

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

IRISH 4 REPRODUCTIVE HEALTH
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES
et al.,

Defendants.

Case No. 3:18-cv-0491-PPS-JEM

STATUS REPORT

On August 25, 2021, the Court granted the parties' joint motion to stay the proceedings in this case and ordered Federal Defendants to submit a status report on or before November 17, 2021, and every 90 days thereafter. ECF No. 139. Federal Defendants accordingly submit the following:

1. On August 12, the Court dismissed a number of the claims at issue in this case, leaving pending only Plaintiffs' arbitrary and capricious challenge to the Final Rules. Op. and Order, ECF No. 137. Federal Defendants (now the only defendants remaining in the case) have previously filed a partial motion for summary judgment on the arbitrary and capricious claim. ECF No. 114.

2. On August 16, 2021, Federal Defendants announced that "[t]he Departments [of Health and Human Services, the Treasury, and Labor] intend to initiate rulemaking within 6 months to amend the 2018 final regulations and obtaining public input will be included as part of the Departments' rulemaking process." CMS.Gov, Frequently Asked Questions, Affordable Care

Act Implementation FAQs (Set 48) (Aug. 16, 2021), https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#Affordable_Care_Act.

3. The Departments of Health and Human Services, the Treasury, and Labor continue to work toward rulemaking as described in the August 16, 2021 guidance.

4. Similar pending cases in California and Pennsylvania remain stayed. *See California v. HHS*, No. 4:17-cv-5783 (N.D. Cal.) (motions held in abeyance Mar. 2, 2021, ECF No. 454); *Pennsylvania v. Biden*, No. 2:17-cv-4540 (E.D. Pa.) (stayed Mar. 8, 2021, ECF No. 271).

Dated: November 17, 2021

Respectfully submitted,

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/s/ Rebecca M. Kopplin
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Status Report was served on counsel for all parties using the Court's CM/ECF system on November 17, 2021.

/s/ Rebecca M. Kopplin
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Counsel for Federal Defendants